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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

ALI SAFAEI,

Plaintiff, Cross-defendant and
Appellant,

v.

IHOP CORP. et al.,

Defendants, Cross-complainants
and Respondents.

E046996

(Super.Ct.No. RCV092446)

ORDER MODIFYING OPINION
NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on September 28, 2010, be modified as follows:

On page 16, at the end of the second full paragraph under the heading “E. Money Had and Received,” strike in its entirety the following sentence: “As discussed above, Safaei may pursue his claim for unjust enrichment/restitution; however, the trial court properly granted summary judgment on the fourth cause of action.”

There is no change in the judgment.

HOLLENHORST

J.

We concur:

RAMIREZ

P.J.

MCKINSTER

J.